

UNITED STATES DISTRICT COURT

for the
Western District of Oklahoma

In the Matter of the Search of
*(Briefly describe the property to be searched
 or identify the person by name and address)*
 4619 SW K Avenue, Lawton, Oklahoma 73505

Case No.

13M-464E

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

See attached affidavit for details.

located in the Western District of Oklahoma, there is now concealed *(identify the person or describe the property to be seized)*:

See attached affidavit for details.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 113(a)(3)	Assault with a dangerous weapon
UCMJ Articles 128, 134	Assault; Firearm Discharging, willfully

The application is based on these facts:

See attached affidavit for details.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


 Applicant's signature

Michael M. David, Special Agent, USACID
 Printed name and title

Sworn to before me and signed in my presence.

Date: October 3, 2013

City and state: DKC, OK


 Judge's signature

Shon T. Erwin, United States Magistrate
 Printed name and title

Judge

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Michael M. David, being duly sworn, hereby depose and state:

1. I am a Special Agent with the United States Army Criminal Investigation Division Command (USACIDC) and have been so employed since April 2009. I am currently assigned to the Fort Sill CID Office, Fort Sill, OK, wherein I have supervised and participated in hundreds of criminal investigations and have attended the advanced crime scene investigative techniques course along with the standardized training for all Special Agents.

2. The current investigation was initiated on July 24, 2013, when this office was notified of an alleged aggravated assault wherein SPC Corey W. North discharged a weapon and stabbed SPC Matthew R. Casselberry with a broken liquor bottle in his neck, back, and arm, at SPC North's residence located at 4619 SW K Avenue, Lawton, OK 73505. The residence is further described in Attachment "A" of this Affidavit.

3. At 2300 hours on July 21, 2013, SPC Seth Bell, SPC Casselberry, and SPC North drove to the Shoppette on Fort Sill to buy liquor. At the Shoppette, SPC North purchased an expensive bottle of Crown Royal whiskey for \$168.90. When they returned home, SPC North and his wife, Olivia North, got into a verbal argument over the purchase of the expensive bottle of whiskey. In anger, SPC North went into his room and fired ten rounds from his Glock .45 caliber handgun into the ceiling and wall of his bedroom. SPC Casselberry witnessed SPC North fire the weapon into his ceiling. SPC North's one-year-old baby was in the adjoining room. Out of fear, Olivia North grabbed the child and drove to the Bell's residence with Shelby Bell, the wife of SPC Bell.

4. SPC Bell and SPC Casselberry remained at the North residence in an attempt to calm down SPC North. SPC Casselberry, with the help of SPC North, locked SPC North's weapons in a Pelican case and took the key. Afterwards, SGT Joshua Doyle and SPC Allen Tschida arrived to help calm down SPC North. SGT Doyle and SPC Tschida stayed at the house for about thirty minutes. When they left, SPC Bell, SPC Casselberry, and SPC North continued drinking alcohol.

5. Later that night, SPC North became extremely intoxicated and violent. He began punching and kicking walls, and slamming his head into a table. He also tried to fight SPC Casselberry. Eventually, SPC Bell and SPC Casselberry calmed SPC North down and convinced him to go to bed. Ten minutes later, SPC North came out of his room and continued to harm himself. He slammed

his head onto a table, knocking himself unconscious for 5-10 seconds. In an attempt to once again calm SPC North down, SPC Casselberry and SPC Bell duck-taped SPC North's hands and legs together. SPC North fought against the taping by kicking and biting SPC Casselberry. SPC Casselberry kicked SPC North in the butt twice in an attempt to restrain him.

6. After taping SPC North's hands and legs together, they put him in his bed, turned out the bedroom lights, and shut the door. Approximately thirty minutes later, SPC Casselberry went into the room to check on SPC North. SPC North was on the ground crying. SPC North promised that he would calm down and behave, so SPC Casselberry cut him free and left him in the room. When SPC Casselberry left the room, SPC North proceeded to knock over an entertainment center and television in his bedroom. SPC Bell and SPC Casselberry then helped lift the entertainment center and television off of the ground.

7. When they finished, all three individuals walked into the kitchen where they continued drinking. While in the kitchen, SPC North threw the expensive bottle of whiskey against the refrigerator, breaking it into pieces. SPC Casselberry and SPC Bell advised SPC North to get out of the kitchen, because he was not wearing shoes and there was broken glass on the floor. SPC North picked up a large, sharp piece of the broken bottle and told SPC Casselberry that he was taking it outside. SPC Casselberry followed SPC North towards the front door and when they reached the door, SPC North turned and stabbed SPC Casselberry in the hand and neck with the broken bottle. When SPC Casselberry turned away from the attack, SPC North stabbed him in the back with the bottle and ran away.

8. Immediately, SPC Bell called 911 and grabbed towels to cover SPC Casselberry's wounds. Shortly thereafter, a police car and ambulance arrived at the residence. SPC Casselberry was transported to the hospital where he was admitted and remained for three days. As a result of the assault, he received approximately 160 stitches to his hand, neck, and back. Medical records indicate that he might have permanent nerve damage.

9. SPC North and his wife refused to make statements and have not allowed CID into their home for investigation. SPC Bell and SPC Casselberry reported the incident to their chain of command, which notified CID and initiated the investigation.

10. Photographs depicting the residence shortly following the incident were obtained by this office from SPC Casselberry and revealed several red stains, presumed to be blood resulting from SPC Casselberry's injuries, as well as remnants of shattered glass, and holes in the wall and ceiling from the fired weapon.

11. It is imperative to the conclusion of this case that authorization be granted to conduct a search of SPC North's residence to conduct a crime scene examination for the purpose of evaluating the damage to the property made by the discharge of a firearm, to include the location of all apparent bullet holes and trajectory of the rounds in respect to the location of all persons. Additionally, the examination to be conducted will include blood stain analysis using ALS and BMT technology which identifies the stains not readily visible to the naked eye even after a significant time lapse.

WHEREFORE, I believe there is probable cause to believe that SPC North's residence, located at 4619 SW K Avenue, Lawton, OK, will have evidence supporting the allegation that SPC North endangered human life when he negligently discharged his personal firearm and stabbed SPC Casselberry, thereby endangering human lives during the night in question.

Further affiant sayeth naught.



Michael M. David
Special Agent
US Army Criminal Investigation Division

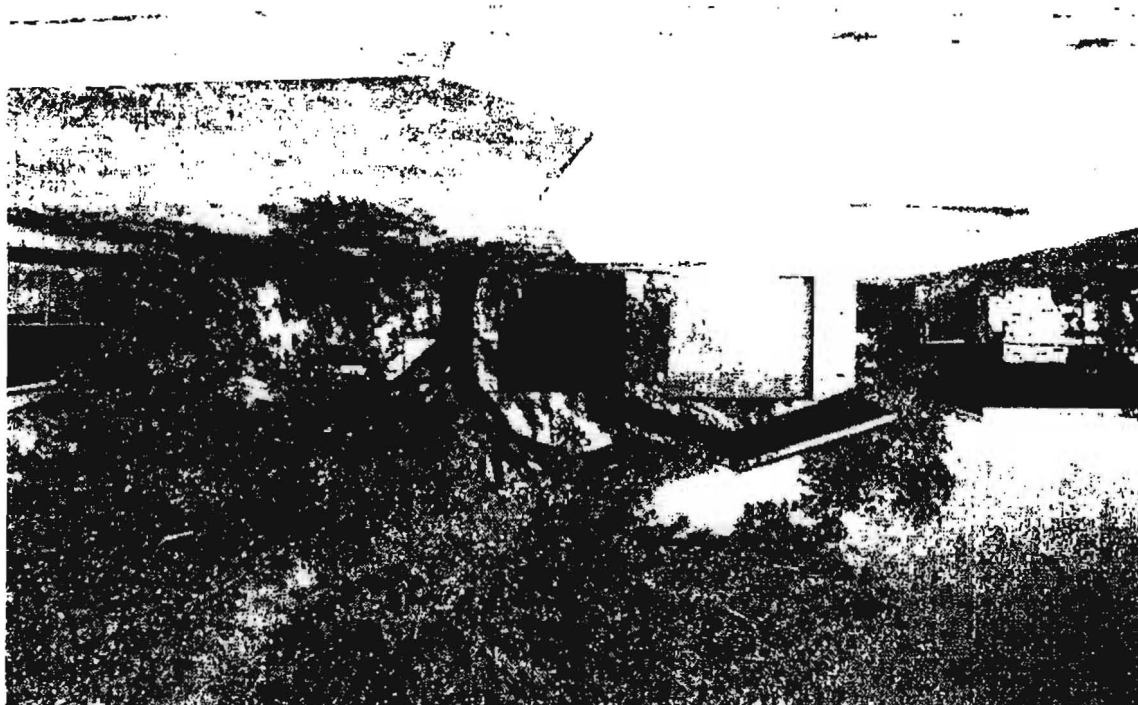
Subscribed to and sworn before me
this 3rd day of ~~September~~ ^{October}, 2013.



Shon T. Erwin
Magistrate Judge
Western District of Oklahoma

ATTACHMENT "A"

A residence located at 4619 SW K Avenue, Lawton, Comanche County, Oklahoma, 73505. The residence is a 1,019 square foot single story home with 3 bedrooms and 1.5 bathrooms. The residence is constructed of brick and vinyl siding and the roof is constructed of brown shingles. There was no house number affixed to the residence that was readily available for observation, but the two properties located to the left and right of the residence were identified as 4617 and 4621 SW K Avenue, Lawton, OK 73503. An internet search of "4619 SW K Avenue, Lawton, OK" yielded a street view of the property which confirmed the attached photograph taken by this Agent. A search of military records for SPC North, including the DD Form 93 (Record of Emergency Data) lists this property - 4619 SW K Avenue, Lawton, OK - as SPC North's residence.



ATTACHMENT "B"

ITEMS TO BE SEARCHED FOR AND SEIZED PURSUANT TO SEARCH WARRANT

1. Any and all areas associated with the discharging of a firearm by SPC North, to include, but not limited to the bedrooms, floors, ceilings, walls (exterior and interior), the roof, other areas, and any areas where the firearms may be stored in the home.
2. Any all items associated with the discharging of a firearm by SPC North into the ceiling and walls of his household, to include, but not limited to all firearms, handguns, gun storage devices, cases, ammunition, and shell casings or brass.
3. Any and all areas related to the stabbing of SPC Casselberry and where blood spatter or spray would be present, to include, but not limited to common living areas, the kitchen, the front yard, the driveway, or any blood stained areas.
4. Any and all items related to the stabbing of SPC Casselberry, to include, blood samples, carpet samples, tile samples, wall samples, and glass samples.